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Eric Aubertin

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EXAMINER

NGUYEN, TAN D

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/929,223	<b>Applicant(s)</b> AUBERTIN ET AL.	
	<b>Examiner</b> Tan Dean D. Nguyen	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33,34,36,37,40-55,57,58 and 61-118 is/are pending in the application.
- 4a) Of the above claim(s) 78-118 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,34,36,37,40-55,57,58 and 61-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed 2/25/08 has been entered. New claims 78-118 have been added.

### ***Claim Status***

2. Claims 33-34, 36-37, 40-55, 57-58, 61-118 are pending and are treated as followed. Claims 35, 38-39, 56, 59-60 have been canceled.

### ***Election/Restrictions***

3. Newly submitted claims 78-118 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Independent claim 78 basically reads: generating a website, contacting parties (potential participants) via electronic message, and contacting parties (potential supporters) via electronic message.

Note: In the first step, the phrase "providing information about the fundraising campaign and soliciting potential supporters" is not a positively recited method step but, rather, is mere intended use of the generated website and thus having no patentable weight. Similarly, the phrases "concerning the fundraising campaign" in the 2<sup>nd</sup> and 3<sup>rd</sup> step " is not a positively recited method step but, rather, is mere intended use of the messages. See MPEP 2173.05 (q), 2106, and 2111.04. Moreover, the phrase "concerning the fundraising campaign" is also considered as non-functional descriptive material (NFDM) and thus having no patentable weight. The mere insertion of "information or messages concerning the fundraising campaign" data over "data" does

not “impart functionality when employed as a computer component”, thus having no patentable weight. See MPEP 2106.01 “Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

As for the preamble, this is mere considered as “being capable of” carrying out the scope of the claim. Therefore, claim 78 which call for different operating steps as compared to original claim 33: (a) generating a website (vs. claim 33 of “hosting a website including a plurality of linked web pages, the website providing information about the fundraising”), and there 2 contacting steps (b) and (c ) via electronic messages (vs. claim 33, “(b) contacting parties to solicit donations and (c ) providing reports on the website about the status of the fundraising campaign”). Again new claim 78 merely deal with generating a website and then contact several parties. It has no conventional steps for effectively conducting a campaign such as making a donation and monitoring the status of the campaign by reporting the status of the campaign as shown in the original claims 33-34, 36-37, 40-58, and 61-77. Even though claim 78 has similar scope in the preamble, the preamble in the claim normally indicates the

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capability to carry out the scope/goal and many times does not include all of the necessary steps to fulfill the scope of the claim or having patentable weight.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 78-118 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Status***

4. Claims 33-34, 36-37, 40-58, and 61-77 are pending and rejected as below. Claims 35, 38-39, 56, and 59-60 have been canceled. The claims are broken into several groups:

4 method claims:

- 1) claims 33-34, 36-37, and 40-53,
- 2) claim 73,
- 3) claim 75, and
- 4) claim 77,

Note: claims 33-34, 36-37, and 40-53 appear to be broadest and will be examined first.

2 system claims:

- 1) claims 54-55, 57-58, 61-72 (same scope as method claim 33)
- 2) claim 76 (same scope as method claim 75)

1 computer program product claim:

- 1) claim 74 (same scope as method claim 73).

### ***Claim Objections***

5. Dependent claims 53, 72 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.
6. 1) It's not clear how the phrase "a person conducts the fundraising campaign" further limits claim 1 with the 3 steps of "hosting a website", "contacting third parties" and "providing one or more reports"? Does a person does all of these 3 steps?
7. 2) Claim 72 depends on claim 54, which is an apparatus/system claim. It's not clear how an inactive method step "is conducted by" further limits an apparatus claim?

### ***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 33-34, 36-37, 40-53, and 72 are rejected under 35 U.S.C. 101 because in order for a method to be considered a "process" under §101, a claimed process must either:

(1) be tied to another statutory class (such as a particular apparatus) or

(2) transform underlying subject matter (such as an article or materials). See

*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements

is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

With respect to claims 33-34, 36-37, and 40-53, the claim language does not include the required (1) tie or (2) transformation, and thus is directed to nonstatutory subject matter. Notes that claim 53 calls for “a person conducts the fundraising campaign” so it appears that independent claim can be carried out by a person or tied to a person.

The limitation of “over a wide-area network” in the preamble is noted, however, this is insufficient because insertion of this limitation in the body of the claims (or steps) are required. Also, the phrase “generating a website” in the first step is noted, but this is insufficient structure to meet the requirement (1) above.

Claim 72 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. System/apparatus claim 72 includes or covers a human (person) as part of an apparatus or system claim. See MPEP 21105.

### ***Claim Rejections - 35 USC § 112***

10. Claim 46 recites the limitation "the electronic messages" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It's not clear whether the electronic messages are derived from the main website or the personalized donation page?

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims **33-34**, **36-37**, and **40-53**, **54-55**, **58**, **69-72**, **73**, and **74**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Book "Fundraising on the Internet" by ALLEN et al (hereinafter as "ALLEN et al").



As of 3/2/07, claim 33 is as below:

33. (Previously Presented) A method for conducting a fundraising campaign over a wide-area network, comprising the steps of:

(a) hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

(b) contacting third parties via electronic messages soliciting charitable donations; and c) providing one or more reports, on the website, including information on the status of the fundraising campaign.

Note: for convenience, letters (a)-(c ) are added to the beginning of each step.

**As for claim 33**, similarly, **ALLEN et al** fairly teaches a method for conducting a fundraising campaign over a wide-area network, comprising the steps of:

(a) hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign;

{see pages 1.2, 1.7 "linking web pages", 1.14, 3.10, 3.12, }

(b) contacting third parties via electronic messages soliciting charitable donations; and

{see pages 1.2, 1.5, 3.1-3.3}

c) providing one or more reports, on the website, including information on the status (or progress or updates) of the fundraising campaign.

{see pages 1.15 “Get updates on your work, your successes...”, ...”, pages 3.3-3.4 “...up-do-date on campaign activities...”, page 5.4 “...providing information about a campaign that’s soon to end...”, or page 4.4 “..gives up-to-date campaign information”, or page 5.5, or 5.49 “...An up-to-the minute bulletin on your campaign’s day-by-day progress...”.

Note that the term “report” merely means “give information about (something done) or giving an account of, (Webster’s New World Dictionary), and this inherently included or shown in ALLEN et al at indicated above.

15. As for dep. claim 34 (part of 33 above), which deals with well known fundraising campaign parameter, i.e. receiving a donation, this is taught on pages 1.2-1.5.

16. As for dep. claim 36 (part of 33 above), which deals with report information parameters or features, i.e. about third parties or people or potential donors, this is taught on pages 5.4-5.5. Moreover, the feature/function of the information, “3<sup>rd</sup> parties that have been contacted via e-mails, they are considered as non-functional descriptive material (NFDM) on the data of “...”, thus having no patentable weight. The mere insertion of “names of customer” data over “data” does not “impart functionality when employed as a computer component”, thus having no patentable weight.

See MPEP 2106.01 “Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context,

“functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

17. As for dep. claim 37 (part of 33 above), which deals with well known campaign managing/monitoring parameter, i.e. reports containing a real time status information for tracking the progress of the campaign, this is taught in page 1.15 “Get updates on your work, your successes...”, ..., page 5.4 “...providing information about a campaign that’s soon to end...”, or page 5.5, or 5.49 “...*An up-to-the minute bulletin on your campaign’s day-by-day progress*...”. Note that the phrase “for tracking the progress of the campaign” is not a positively recited method step but, rather, is mere intended use of the means and thus having no patentable weight. See MPEP 2173.05 (q), 2106, and 2111.04, which indicate that a method claim requires active, positive steps.

18. As for dep. claims 40-44 (part of 33 above), which deal with well known fundraising parameters, i.e. inclusion of information about other interested events in the campaign to attract potential clients/participants/supports/donors of different interests, these are taught on pages 1.14, 1.15 “order books, videos, T-shirt, ...and pay with a credit card”, page 4.9 “lottery”, pages 4.12, 4.13, 8.7 and 8.12. The inclusion of other interested events in the fundraising campaign, such as athletic event, gala event,

networking event, sell-a-thon, or competition, etc. would have been obvious as mere using other similar interested events to involve other types of clients of various interests in the fundraising campaign. Moreover, these limitations “athletic or gala event”, are considered as non-functional descriptive material (NFDM) on the “data” of “...”, thus having no patentable weight. The mere insertion of “athletic event” data over “data” does not “impart functionality when employed as a computer component”, thus having no patentable weight, for the same reason set forth above.

19. As for dep. claim 45 (part of 33 above), which deals with a step of providing a personalized donation page for a solicitor, this is taught on page 4.10, paragraphs 1-6. Note that the term “personalized” is a relative term and reads over “customized” or “desired” and this is shown on websites on pages 4.8-4.9.

20. As for dep. claim 46 (part of 45/33 above), which deals with the specific use of the linking feature, i.e. e-mail include a link to a web page/site, this is fairly taught on pages 1.6 “...hot links...from ...to site in new stories about disasters....”, 3.6-3.7, 3.8, 3.9-3.10 “by advertising your web site address through your mailings..”, or page 5.26-5.27, 5.28.

21. As for dep. claim 47 (part of 45/33 above), which deals with the incorporation of the personalized donation page into another website or of an organization, this is fairly taught on page 4.10.

22. As for dep. claim 48 (part of 33 above), which deals with well known fundraising parameter, i.e. reporting information includes tax-related information, this is taught on

page 5.49. Moreover, this limitation is considered as non-functional descriptive material (NFDM) “tax deduction number” on the “data”, thus having no patentable weight.

23. As for dep. claim 49 (part of 33 above) and claim 73, which deal with well known networking parameter, i.e. the wide-area is the Internet or web-based, this is taught in pages 1.2-1.4, 1.14.

24. As for dep. claims 50-52 (part of 33 above), which deals with well known fundraising parameter, i.e. type of organization, this is non-essential to the scope of the claimed invention and are also taught on pages 1.3-1.16. Moreover, these limitations are considered as non-functional descriptive material (NFDM), “names” on the “data”, thus having no patentable weight.

25. As for dep. claim 53 (part of 33 above), which deals with well known fundraising parameter, i.e. a person conducts the campaign, this is taught on pages 1.15-1.16, 4.13 and 5.1-5.51.

As for independent system claim 54, which is merely the system to carry out the respective method claim 33 above, it's rejected over the system of ALLEN et al to carry out the rejections of the method claim 33 above.

As for dep. system claims 55, 57-58, 61-72 (part of 54 above) which have the same limitations as in dep. claims 34, 36-37, and 40-50, 52-53 (part of 33 above), they are rejected for the same reasons set forth in the rejections of claims 34, 36-37, 40-50, 52-53 above.

**As for independent method claim 73**, which has similar method steps as in independent method claim 33 above except for the slightly difference language in the preamble, “hosting a web-based fundraising system instead of “conducting a fundraising campaign”, it's rejected for the same reasons set forth in the rejection of claim 33 above. Moreover, the preamble is normally considered as “being capable of” and this feature is taught in claim 33 step (a).

**As for independent computer program product claim 74**, which is merely the computer program product to carry out the respective method claim 33 above, it's rejected over the computer program product of ALLEN et al to carry out the rejections of the method claim 33 above. As for the limitation of registering of the participant, this is taught and/or inherently in the features on page 1.2 “E-members” or “join” which requires the “registering” step, and also pages 2.9, 3.3, 3.6 or 3.11.

**26. Claims 45-52, 66-68, 70-71, 75, 76 and 77 are also rejected under 35 U.S.C. 103(a) as being unpatentable over ALLEN et al as applied to claims 33-34, 36-37, 40-53 above and 54-55, 57-58 and 61-72, and further in view of GROBMAN et al (book of “Fundraising on the Internet, 1999).**

The teachings of ALLEN et al is cited above. In a similar scope of Fundraising on the Internet, GROBMAN et al discloses the concept of providing a personalized donation page (website) for a solicitor, see page 12, par. 3: “...*Use free internet space from CHARITYNet to build your own web site, which you can use for fundraising or other purposes...*”. It would have been obvious to modify the teachings of ALLEN et al

by providing a personalized donation page as taught by GROBMAN et al so that a person (you or solicitor) can use for fundraising or other purposes as taught above.

As for dep. claim 46 (part of 45/33 above), which deals with the “linking” feature of the donation webpage into the e-mail/message or “e-cards” for delivering a message, this is taught in GROBMAN et al page 33, par. No. 3.

As for dep. claim 47 (part of 45/33 above), which deals with the incorporation of the webpage into the website of an organization, this is taught in GROBMAN et al page 12, par: no. 3. as cited above.

As for dep. claim 48 (part of 45/33 above), which deals with well known fundraising parameter, i.e. reporting information includes tax-related information, this is taught on page 33, par. no. 4 or page 12, par. no. 3 of GROBMAN et al. Moreover, this limitation is considered as non-functional descriptive material (NFDM) “tax deduction number” on the “data”, thus having no patentable weight.

As for dep. claim 49 (part of 33 above) and claim 73, which deal with well known networking parameter, i.e. the wide-area is the Internet or web-based, this is taught in ALLEN et al pages 1.2-1.4, 1.14 or GROBMAN et al, page 2.

As for dep. claims 50-52 (part of 33 above), which deals with well known fundraising parameter, i.e. type of organization, this is non-essential to the scope of the claimed invention and are also taught on ALLEN et al pages 1.3-1.16 or GROBMAN et al pages 11, 12, 16-17. The selection of other similar civic organizations would have been obvious as mere selection of other similar organization using the same fundraising

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system. Moreover, these limitations are considered as non-functional descriptive material (NFDI), "names" on the "data", thus having no patentable weight.

As for dep. claims 66-68, 70-71 (part of system claim 54 above), which have the same limitation as in dep. claims 45-52 (part of method claim 33 above), they are rejected for the same reason set forth in the rejections of dep. claims 45-52 cited above.

**As for independent method claims 75 and 77**, which basically has similar method steps as shown in independent method claims 33 and dep. claims 45 and 46 above, claim 75 or 77 is rejected over the rejections of the combination of claims 33 and 45-46 as cited above.

**As for independent system claim 76**, which basically has similar elements as in independent system claims 54 and dep. claims 66 and 67 above, it's rejected over the rejections of the combination of claims 33 and 45-46 as cited above.

27. Claims 36 and 57 are also rejected under 35 U.S.C. 103(a) as being unpatentable over ALLEN et al as applied to claims 33-34, 36-37, 40-53 above and 54-55, 57-58 and 61-72, and further in view of JOHNSON et al or BEDNAREK.

The teaching of ALLEN et al is cited above. In another customer contact management, JOHNSON et al teaches the steps of: collecting of the customer data or information through survey, form, email, electronic messages, etc., storing these customer data on a database, profiling the customer, identifying opportunities for business transaction, and providing the information in a report or display to the appropriate entities for facilitating a business transaction such as leads or sales {see



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col. 2, lines 20-45, col. 6, lines 15-40, col. 13, lines 5-50, col. 19, line 35 to col. 20, line 67, Figs. 2-3, 6, 15A or 21A}. It would have been obvious to modify the teaching of ALLEN et al by providing information in the report/display about customer (or 3<sup>rd</sup> party) that have been contacted via e-messages as taught by JOHNSON et al to facilitate business transactions such as potential leads or sales as cited above. Note that donation is considered a business transaction and it would have been obvious to use the customer contact management system in JOHNSON et al to facilitate customer's donation transaction in ALLEN et al.

Similarly, BEDNAREK al teaches the steps of: collecting of the customer data or information through survey, form, email, electronic messages, etc., storing these customer data on a database, profiling the customer, identifying opportunities for business transaction, and providing the information in a report or display to the appropriate entities for facilitating a business transaction such as leads or sales {see col. 77, lines 5-45, col. 79, line 20 to col. 80, line 60, 2, lines 20-45, col. 6, lines 15-40, col. 13, lines 5-50, col. 19, line 35 to col. 20, line 67, Figs. 1B, 11, 14, col. 82, lines 40-50, cols. 84-86. It would have been obvious to modify the teaching of ALLEN et al by providing information in the report/display about customer (or 3<sup>rd</sup> party) that have been contacted via e-messages as taught by JOHNSON et al to facilitate business transactions such as potential leads or sales as cited above. Note that donation is considered a business transaction and it would have been obvious to use the customer contact management system in BEDNAREK to facilitate customer's donation transaction in ALLEN et al.

28. **Claims 40-42, 44 (method), 61-63, and 65 (system) are also rejected** under 35 U.S.C. 103(a) as being unpatentable over ALLEN et al as applied to claims 33-34, 37, and 48-53 (method) and 54-55, 58 and 69-72 (system) above, and further in view of FAO Schwarz Article (Article of July 31, 1997).

As for dep. claims 40-42, 44, 61-63 and 65, the teachings of ALLEN et al is cited above. In another similar fundraising method, FAO Schwarz Article is cited to teach the well known concept of including in the fundraising campaign, other fun related events such as gala event and other special events such as entertainment, networking and athletic event (i.e. car racing), etc. {see pages 1-2}. It would have been obvious to modify the teachings ALLEN et al to include other well known events besides fundraising event such as gala event, entertainment event, athletic event, etc. as taught by FAO Schwarz Article as mere adding other fun/excited events besides fundraising to inherently attract more participants.

29. **Claims 43 (method) and 64 (system) are also rejected** under 35 U.S.C. 103(a) as being unpatentable over ALLEN et al as applied to claims 33-34, 37, and 48-53 (method) and 54-55, 58 and 69-72 (system) above, and further in view of Fundraising Auction (Article of April 15, 1988).

As for dep. claims 43 and 64, the teachings of ALLEN et al is cited above. In another similar fundraising method, Fundraising Auction teaches well known concept of including in the fundraising campaign, other interested event such as sell-a-thon wherein merchandises are sold for the benefit of the fundraising campaign to raise significantly more money for the campaign {see pages 1-2}. It would have been obvious

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to modify the teachings of ALLEN et al to include other well known events besides fundraising event such as sell-a-thon as taught by Fundraising Auction as mere adding other event to raise significantly more money for the campaign.

### ***Response to Arguments***

30. Applicant's arguments with respect to claims 33-34, 36-37, 40-58, and 61-77 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Corson-Finnerty, Adam, book on "Fundraising and Friend-Raising on the Web", 1998, basically teaches the scope of the claimed invention, see parts. I-II, pages 43-44, 68, 75, 89 "Accessing Reports" for measuring the impact of your site. It's cited for applicant's awareness of potential use in the future if needed to avoid multiple rejections in the current office action.

No claims are allowed.

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32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at (571) 272-6805.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/  
Primary Examiner, Art Unit 3689